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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,855	11/27/2000	Jonathan James Oliver	DYNA-P005	6464
22877	7590	01/06/2004	EXAMINER	
FERNANDEZ & ASSOCIATES LLP			ALI, MOHAMMAD	
1047 EL CAMINO REAL			ART UNIT	
SUITE 201			PAPER NUMBER	
MENLO PARK, CA 94025			2177	

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/723,855	OLIVER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad Ali	2177	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

1. This communication is responsive to the application filed on November 28, 2000.

Claims 1-24 are pending in this office action. Claims 1-24 are presented for examination.

### ***Specification***

2. The use of the trademarks LIKEMINDS™, WISEWIRE™, AMAZON.COM™, etc have been noted in this application in page 3, lines 11-14 and elsewhere. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

**In page 30, line 15 the words "for example"** should be deleted from the Abstract.

Appropriate correction is required.

### ***Information Disclosure Statement***

3. The references cited in the IDS, PTO-1449, Paper No. 2, have been considered.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lang et al. ('Lanag' hereinafter), US Patent 6,314,420 B1.

With respect to claim 1,

Lang discloses a method for adaptive text recommendation (col. 4, lines 25-33). Lang teaches 'receiving a query' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user.

A feedback system provides feedback data from other users, (col. 2, lines 30-34 et seq). Finally, Lang teaches 'adaptively changing the query result in response to the query' as an information processing system especially adapted for use at internet portal or other web sites to make network searches for information entities relevant to user queries, with collaborative feedback data and content-based data and adaptive filtering structuring, being used in filtering operations to produce significantly improved search results (col. 2, lines 21-26).

As to claim 2,

Lang teaches 'the changing step comprises clustering of an interest set of documents into one or more clusters' (col. 21, lines 31-44). Lang further teaches 'extracting keywords for the one or more clusters that represent the theme of the documents in the one or more clusters' as (col. 4, lines 23-39 et seq). Lang teaches 'filtering of an eligible set of documents to meet application criteria' as (col. 10, lines 60-67 et seq). Finally, Lang teaches 'adaptively constructing a recommended set of documents for each cluster of the one or more clusters' as (col. 21, lines 31-44 et seq).

As to claim 3,

Lang teaches 'the clustering step further comprises assembling the interest set of documents (col. 21, line 31-44). Further, Lang teaches 'pre-processing words of the interest set of documents' as (col. 23, lines 11-27 et seq). Finally, 'grouping of documents from the interest set of documents into the clusters utilizing a clustering algorithm that maximizes the cluster score of the clusters' as (col. 21, lines 36-44 et seq).

As to claim 4,

Lang teaches 'the assembling step comprises collecting documents previously viewed by a client' as (col. 4, lines 53-66); Lang teaches 'collecting e-mails that elicited a response from the client' as (see col. 6, lines 12-16, Fig. 1); Lang teaches 'collecting documents describing items previously bought by the client' as (col. 4, lines 5-26); Lang teaches 'collecting documents describing items the client made a bid on' as (see col. 4, lines 5-26 et seq); Lang teaches 'collecting documents associated with selections from a list of documents, the selections being made by the client' as (see col. 4, lines 5-26); Lang teaches 'collecting pages of web sites wherein the client indicated interest' as (see col. 4, lines 5-26); Lang teaches 'collecting documents recorded for the client' as (col. 4, lines 63-67 et seq); and Lang teaches 'collecting documents associated with a client transmitted from a remote source' as (see col. 8, lines 31-36).

As to claim 5,

Lang teaches 'the preprocessing step comprises removing common words in the language used in the application' as (see col. 4, lines 30-41 et seq); and Lang teaches 'removing words which are not significant for the application' as (see col. 4, lines 30-41 et seq).

As to claim 6,

Lang teaches 'the extracting keywords step utilizes a process that calculates the keyword score of the cluster and select keywords that maximizes the keyword score of the cluster' as (see col. 21, lines 35-44).

As to claim 7,

Lang teaches 'the eligible set of documents comprises documents from an application web site (col. 4, lines 30-55 et seq); Lang teaches 'documents from other web sites' as (see col. 23, lines 33-38); Lang teaches 'documents from private databases' as (see col. 23, lines 33-38); and Lang teaches 'documents selected from the Internet using a search process' as (see col. 23, lines 33-38 et seq).

As to claim 8,

Lang teaches 'the construction of the recommended set of documents further comprises calculating a relevance score of each document in the eligible set of documents' as (see col. 4, lines 30-60); Lang teaches 'selecting documents of the eligible set of documents with high relevance scores' as (see col. 4, lines 30-60 et seq); and Lang teaches 'applying other selection criteria comprising popularity of the document in the eligible set of documents and client preference for the document in the eligible set of documents' as (see col. 3, lines 53-63 et seq).

As to claim 9,

Lang teaches 'presenting the recommended set of documents using a presentation technique that comprises sending an e-mail, displaying a greeting, displaying an HTML fragment, sending a fax, sending a voicemail, sending a video alert, sending an audio alert, and transmitting a file representing the recommended set of documents' as (see col. 6, lines 12-16, Fig. 1).

As to claim 10,

Lang teaches 'the received query comprises a request from a requestor device enabled by an action of the client and a software request' as (see col. 3, lines 15-30 et seq).

As to claim 11,

Lang teaches 'the action of the client enabling the query request comprises logging onto a web site that automatically generates the query' as (see col. 23, lines 33-37 et seq); Lang teaches 'manually requesting the query' as (see col. 23, lines 33-48); and Lang teaches 'making a selection at the web site that generates the query' as (see col. 23, lines 33-37).

With respect to claim 12,

Lang discloses a method of adaptive offer recommendation (col. 4, lines 25-33). Lang teaches 'receiving a query for an offer' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users (col. 2, lines 30-34 et seq). Finally, Lang teaches 'adaptively changing the recommended set of offers in response to the query' as an information processing system especially adapted for use at internet portal or other web sites to make network searches for information entities relevant to user queries, with collaborative feedback data and content-based data and adaptive filtering structuring, being used in filtering operations to produce significantly improved search results (col. 2, lines 21-26).

As to claim 13,



Lang teaches 'the changing step comprises clustering of an interest set of offer descriptions into clusters' as (see col. 21, lines 35-44 et seq); Lang teaches 'extracting keywords for the clusters, the keywords representing the theme of the offer descriptions of the clusters' as (see col. 21, lines 35-44); and Lang teaches filtering of an eligible set of offer descriptions to meet an application criteria' as (see col. 30-60 et seq); and Lang teaches 'adaptively constructing a recommended set of offer descriptions for the clusters' as (see col. 21, lines 35-45).

As to claim 14,

Lang teaches 'the eligible set of offer descriptions comprises offer descriptions of auction items, items for sale, items for swap, job openings, items to buy, and services for sale' as (see col. 3, lines 50-66 et seq).

As to claim 15,

Lang teaches 'the construction of the recommended set of offer descriptions further comprises calculating a relevance score of each offer description in the eligible set of offer descriptions' as (see col. 4, lines 5-25); Lang teaches 'selecting a plurality of offer descriptions of the eligible set of offer descriptions with high relevance scores; and applying other selection criteria comprising popularity of the offer description in the eligible set of offer descriptions and client preference for the offer description in the eligible set of offer descriptions' as (see col. 4, lines 5-25 et seq).

With respect to claim 16,

Lang discloses 'an adaptive text recommendation a query receiving processor for receiving a query' as a search engine system employs a content-based filtering system

for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq); Lang teaches 'a database for storing a plurality of document records including Internet document records, private document records, and other public network document records' as (see col. 1, lines 50-67 et seq); Lang teaches 'a query response processor for sending a response to the query' as an information processing system especially adapted for use at internet portal or other web sites to make network searches for information entities relevant to user queries, with collaborative feedback data and content-based data and adaptive filtering structuring, being used in filtering operations to produce significantly improved search results (col. 2, lines 21-26); and Lang teaches 'an adaptive text processor, coupled to the query receiving processor, the database' as (see col. 4, lines 30-60 et seq); and Lang teaches 'the query response processor, for receiving the query from the query receiving processor, analyzing the text of an interest set of document records from the database, grouping the interest set of document records into clusters' as (see col. 21, lines 30-44 et seq); Lang teaches 'extracting keywords from the text of the document records grouped into the clusters, filtering the eligible set of document records from the database to meet an application criteria' as (see col. 4, lines 5-25 et seq); and Lang teaches 'adaptively constructing the recommended set of document records for the clusters, and passing the recommended set of document records to the query response processor' as (see col. 2, lines 30-41 et seq).

As to claim 17,

Lang teaches 'the eligible set of document records comprises document records from the application web site' as (see col. 23, lines 33-38 et seq); Lang teaches 'document records from other web sites' as (see col. 23, lines 33-38 et seq); Lang teaches 'document records from private databases' as (see col. 2, lines 30-41 et seq); and Lang 'document records selected from the Internet using a search process' as (see col. 3, lines 33-37, Fig. 1 et seq).

As to claim 18,

Lang teaches 'a database update processor for updating the interest set of documents with new documents' as (see col. 2, lines 30-41 et seq).

As to claim 19,

Lang teaches 'the adaptive text processor is operable in a distributed manner at a remote location' as (see col. 4, lines 30-35).

With respect to claim 20,

Lang discloses a computer storage medium storing the computer readable code for causing a computer system to execute the steps of an adaptive text recommendation system, the steps comprising (see col. 4, lines 30-41); Lang teaches 'clustering of an interest set of documents into clusters' as (see col. 21, lines 35-44); Lang teaches 'extracting keywords for the clusters, the keywords representing the theme or concept of the documents of the clusters' as (col. 21 lines 35-44 et seq); Lang teaches 'filtering of an eligible set of documents to meet application criteria' as (see col. 4, lines 30-41); Lang teaches 'adaptively constructing the recommended set of

documents for the clusters; and presenting the recommended set of documents' as (see col. 4, lines 30-60, Fig. 1).

With respect to claim 21,

Lang discloses an adaptive data recommendation system (col. 4, lines 25-33). Lang teaches 'a query receiving processor for receiving and processing a query' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq); Lang teaches 'a database for storing a plurality of data description records including Internet data description records, private data description records, and other public network data description records' as (see col. 23, lines 33-37 and col. 3, lines 50-65); Lang teaches 'a query response processor for sending a response to the query' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq); and Lang teaches 'an adaptive data processor, coupled to the query receiving processor, the database; and query response processor, for receiving the query from the query receiving processor, analyzing the text of an interest set of data description records from the database, grouping the interest set of data description records into clusters (see col. 4, lines 30-60 and col. 21, lines 35-44); Lang teaches 'extracting keywords from the text of the data

description records grouped into the clusters, filtering the eligible set of data description records from the database to meet an application criteria' as (see col. 21, lines 35-44 et seq); and Lang teaches 'adaptively constructing the recommended set of data description records for the clusters and passing the recommended set of data description records to the query response processor' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq).

With to claim 22,

Lang discloses an adaptive text recommendation (col. 4, lines 25-33). Lang teaches 'a computer comprising input means for entering a query and display means for presenting a recommended set of documents' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq); and Lang teaches 'communications means for wirelessly coupling the computer to an information network, the information network containing at least an interest set of documents and an eligible set of documents' as (see col. 3, lines 50-65 et seq); Lang teaches 'wherein the query entered through the input means of the computer enables the computer to wirelessly connect to the; information network and to execute the steps of an adaptive text recommendation

system, the steps comprising clustering of the interest set of documents into clusters' as (see col. 21, lines 35-44 et seq); Lang teaches 'extracting keywords for the clusters, the keywords representing the theme or concept of the documents of the clusters' as (see col. 21, lines 35-44); Lang teaches 'filtering of the eligible set of documents to meet an application criteria' as (see col. 45-59 et seq); Lang teaches 'constructing a recommended set of documents' as (see col. 2, lines 30-34); and Lang teaches 'presenting the recommended set of documents using the display means of the computer' as (see col. 5, lines 7-12 et seq).

With respect to claim 23,

Lang discloses method for adaptively classifying documents (col. 4, lines 25-33). Lang teaches 'clustering of an interest set of documents into clusters' as (see col. 21, lines 35-44); Lang teaches 'extracting keywords for the clusters that represent the theme of the documents of the clusters' as (see col. 21, lines 35-44 et seq); Lang teaches 'filtering of an eligible set of documents to meet application criteria' as (see col. 2, lines 30-34); Lang teaches 'constructing a recommended set of document' as (see col. 4, lines 14-25); and Lang teaches 'presenting the recommended set of documents using a presentation technique that comprises sending an e-mail, displaying personal e-mail, displaying a greeting, displaying an HTML fragment, sending a fax, sending a voicemail, sending a video alert, sending an audio alert and transmitting a file representing the recommended set of documents' as (see col. 2, lines 20-34 et seq).

With to claim 24,

Lang discloses an adaptive document search system (col. 4, lines 25-33). Lang teaches 'a query receiving processor for receiving a search query' as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60 et seq); Lang teaches 'a database for storing an interest set of document records comprising Internet document records, private document records, and other public network document records; a search engine, for searching the database for documents matching a search criteria; a search query response processor for sending a response to the search query' as (see col. 2, lines 20-27, Fig. 1); and Lang teaches 'an adaptive text processor, coupled to the query receiving processor, the database, the search engine, and the query response processor' as (see col. 4, lines 30-45); Lang teaches 'wherein the adaptive text processor, upon receiving the search query from the query receiving processor, analyzes the text of the interest set of document records from the database, groups the interest set of document records into clusters' as as a search engine system employs a content-based filtering system for receiving informons from a network on a continuing basis and for filtering the informons for relevancy to a wire or demand query from an individual user. A feedback system provides feedback data from other users, (col. 2, lines 30-34 and col. 4, lines 30-60, col. 21, lines 35-44 et seq); Lang teaches 'extracts keywords from the text of the document records grouped into the clusters, and communicates the extracted keywords to the search engine' as (see col. 4, lines 5-25);

and Lang teaches 'wherein the search engine searches the database for documents matching the search criteria comprising the communicated keywords from the adaptive text processor' as an information processing system especially adapted for use at internet portal or other web sites to make network searches for information entities relevant to user queries, with collaborative feedback data and content-based data and adaptive filtering structuring, being used in filtering operations to produce significantly improved search results (col. 2, lines 21-26).



**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

  
Mohammad Ali

Patent Examiner

AU 2177

MA

December 30, 2003